



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: October 8, 2010
Applicant: McMillin Indigo II, LLC
Case No.: PCC-10-054
Address: OR VLG 7 R-1A, 1770,1774,1778,1782 Webber Way
Project Planner: Caroline Young

Notice is hereby given that on October 8, 2010, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-10-054, filed by McMillin Indigo II, LLC ("Applicant"). The Applicant requests a CUP to establish three model homes, temporary sales office and parking. The Project is located at 1770,1774,1778,1782 Webber Way ("Project Site") and is owned by McMillin Indigo II, LLC ("Property Owner"). The Project Site is zoned Planned Community (PC) with a General Plan designation of Residential Low Medium (RLM). The Project is more specifically described as follows:

The Project includes three model homes with a temporary sales office within the garage of one of the model homes for the Indigo II Model Sales Office and a temporary ADA accessible restroom available in one of the model homes within the Otay Ranch Neighborhood Village 7 area, R1-A area. The site will also consist of several temporary signage for the sales office and model homes and parking for customers.

The Project has been reviewed by Planning staff for compliance with the California Environmental Quality Act (CEQA) has determined that the project was adequately covered in the Otay Ranch SPA Plan and Subsequent Tentative Map Final Environmental Impact Report (EIR 90-01). Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code and the Otay Ranch Village 7 SPA plan, has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The temporary model home complex is desirable due to its close proximity to Birch Road. The model home complex will allow the applicant to provide sales information to the general public regarding new homes for the Otay Ranch Planned Community.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The project is conditioned to require the applicant to post a bond in the amount determined by the Zoning Administrator to be adequate to insure that the temporary features of the model home complex and restroom facilities shall be removed at the completion of sale of all units. Thus, the model home complex and temporary parking lot will not be detrimental to the health, safety or general welfare in that it will provide sufficient on-street parking, and handicapped accessibility.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The conditional approval of PCC-10-054 requires continuing compliance with all conditions, codes and regulations, as applicable, prior to the final issuance of any permit or occupancy of any facility on the site for the proposed project.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan does not specifically address temporary type uses. Thus, the granting of this Conditional Use Permit is in substantial compliance with the Otay Ranch Plan and Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-10-054 as described above subject to the following conditions of approval:

- I. **Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall

indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. Prior to the approval of the building permit for the sales office, all detached structures (i.e. outdoor fireplace, fountain, wood cover, etc.) need to comply with the Otay Ranch regulations in regards to the rear and side yard setbacks.
3. Obtain a separate building permit or sign permit for the proposed signage and other applicable accessory structures for the model homes.
4. Provide one (1) \$3,000 faithful performance bond to ensure conversion of the sales office and removal of the temporary parking lot and one (1) \$1,000 faithful performance bond to ensure removal of the temporary ADA accessible restroom prior to issuance of building permits. There is no specific format required for these bonds. When the sales office is returned into a garage, temporary parking lot, and the temporary ADA accessible restroom is removed, the applicant shall submit a letter to the Development Services Department requesting release of the bonds.

Land Development/Landscape Architecture

5. Prior to issuance of building permits, the Applicant shall provide landscape plans for the model home complex for review and approval by the City's Landscape Planner. At least one model home shall post a sign directing the attention to prospective purchasers to drought-tolerant features within the landscape design.
6. The Applicant shall obtain a construction permit from the Development Services Department to perform all work in the City's right-of-way, including:
 - a) Removal and replacement of any broken curb, gutter or sidewalk as determined by the City Engineer.
 - b) All sidewalks, pedestrian ramps, and driveways shall comply with the City of Chula Vista's Design Standards and ADA requirements.
7. The parking for the sales office must be ADA compliant. Pedestrian ramps shall be constructed per ADA standards and approved by the City.

8. Temporary improvements (such as fence, signs, etc.) located in street right of way, City easements or City owned Open Space Lots should require an encroachment permit.
9. The Applicant shall provide barricades adjacent to the model homes to prevent customer access to construction area.

Fire Department

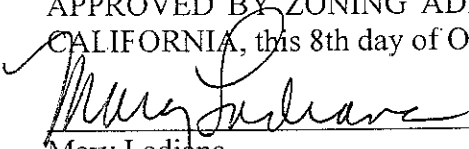
10. The following shall be completed or installed prior to occupancy of the model homes and sales office:
 - a) Street signs and address numbers;
 - b) One fire extinguisher per model home

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-10-054, date stamped on August 31, 2010, which includes a site plan and floor plans on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
3. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.

- 5 Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 8th day of October 2010.


Mary Ladiana
Zoning Administrator